

With the full support of President Obama, U.S. Attorney General Eric Holder announced this week that the Justice Department would no longer defend the Defense of Marriage Act (DOMA) in court. DOMA was signed into law by President Clinton after passing both the House and Senate with overwhelming bipartisan support that exceeded 80 percent of the vote in both chambers. It defines marriage for federal purposes as the legal union between one man and one woman. It also declares that states cannot be forced to recognize the same sex marriages that are authorized in another state. The Obama Administration justified its decision to abandon the defense of this law on the claim that no reasonable argument can be made to demonstrate that it is constitutional. Many legal scholars, however, have already ridiculed this claim, pointing to a wealth of legal authority supporting the law, including relevant federal case law.

I strongly believe that President Obama's personal opposition to the Defense of Marriage Act does not authorize or justify the Justice Department's decision to abandon their defense of this law in court. This announcement strikes me as more of a political declaration rather than a legitimate legal argument. Accordingly, I believe it is imperative that Congress step in to defend DOMA and the traditional definition of marriage. Marriage is an institution that pre-dates politics and for millennia has functioned as the foundation of family and civil society. The Administration's failure to properly defend the federal law protecting this core institution must not stand.